



DEVELOPING AN INDEX FOR MEASURING GOOD ENVIRONMENTAL GOVERNANCE OF LGUs AND DENR

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LIST OF ANNEXES

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LIST OF ACRONYMS

CENRO	-	Community Environment and Natural Resources Officer
DENR	-	Department of Environment and Natural Resources
IEC	-	Information, Education and Communication
LDC	-	Local Development Council
LGU	-	Local Government Unit
PENRO	-	Provincial Environment and Natural Resources Officer
PO	-	People's Organization
RM&U	-	Resource Management and Utilization
SOGA	-	Strategic Objective Grant Agreement

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BACKGROUND

The Eco-Governance Program supports the GOP's and USAID Philippines' commitment under the Strategic Objective Grant Agreement (SOGA) to improve the *protection of productive and life-sustaining natural resources in the Philippines through improved environmental management and enforcement* by promoting good governance. Good governance is indicated by open and competitive allocation of rights to natural resources, by clear lines and centers of responsibility, command and control and of checks and balances; by effective enforcement of laws and regulations; and by wide access for citizens' involvement in decision making and action taking. Good governance is expected to translate to improved environmental conditions and as a consequence, to food security, poverty alleviation and reduction of conflicts. Sixty percent of the program effort is focused on priority regions in Mindanao- ARMM, Region 9, and Region 12, 25% in Central Visayas and 15% in Northern Luzon. Specifically, the Program will address priority threats on the forest (illegal cutting and forest conversion) and coastal resources (illegal fishing and over-fishing) and improve the delivery of solid waste management services.

The role of this consultancy was to provide cross-national perspectives in support of the development of indicators of good eco-governance of Local Government Units (LGUs) and the Department of Environment and Natural Resources (DENR) anchored on citizens' perception. This consultancy also served to provide input into and support the efforts of the Local Governance Specialist in preparation of a Citizens' Guide to Measure the Quality of Eco-Governance of LGUs and the DENR using the validated indicators.

MAJOR ACTIVITIES UNDERTAKEN

The principal activity undertaken was to work with the leader of the Policy team, Dr. Ben Malayang and with Dr. Prospero De Vera along with other members of the policy team to develop the framework for a Local Government Transparency, Accountability and Participation Index. The product of that effort, **An Approach to Developing an LGU Index**, is attached to this report as Annex 1. The index was reviewed by staff and consultants of Eco-Governance in a seminar on Friday, February 21 and by a seminar made up of staff from Eco-Governance, DENR and the League of the Municipalities on Monday, February 24. The index was modified taking into account commentaries from the two seminars and a draft instrument for measuring the indices developed. (This is also attached to this report denoted as Annex 2 **LGU Transparency Accountability and Participation Index**.)

In accordance with suggestions from USAID, I also contacted the staff of the Coastal Resource Management project who are providing a copy of their monitoring and evaluation framework. I met as well with the management of the Asia Foundation in the Philippines to discuss the approach they have taken to strengthening transparency, accountability and participation in

municipalities where they work in the ARMM. The information gathered from both of these sources will be incorporated into the development of the LGU Index as appropriate.

RECOMMENDATIONS AND FOLLOW-UP ACTIVITIES

IMPLEMENTING THE LGU INDEX

I would recommend the following next steps in implementing the LGU Index, drawing from discussions at the Monday , February 24 seminar:

- Finalize the draft questionnaire for pre-test contained in Annex 2 with inputs from the Policy Team of Eco-Governance and other Eco-Governance staff and consultants (target date for completion 1st week of March)
- Conduct a pre-test in three LGUs (one each in the three areas where Eco-Governance works), ensuring that these sites include examples of all three environmental concerns, forest, coastal and solid waste. (See discussion below) (target date for completion 2nd week of April)
- Finalize questionnaire for full-scale application based on the results of the pre-test (target date for completion 2nd week of May)
- Conduct a full-scale application of the index on a sample of all LGUs included in Eco-Governance (target date for completion, end of July)

PRODUCING A DENR INDEX

The LGU index needs to be complimented by an index that measures certain aspects of transparency, accountability and participation with local level units of the DENR, the Provincial Environment and Natural Resources Officers (PENROs) and the Community Environment and Natural Resources Officers (CENROs). The DENR index will focus on:

- Degree of accountability and transparency of local level (PENROs, CENROs) DENR operations in the areas of forest, coastal and solid waste management
- Degree of citizen participation with DENR at the local level in key decision-making, for example regarding permits
- Degree of inter-government coordination of local units of the DENR with LGUs and other national government agencies involved in forest, coastal and solid waste management.

This index should be completed and ready for testing in the same time frame as the LGU index. I shall prepare an initial draft of the index by the 1st week in March. This should be vetted as was the LGU index internally and with DENR by the second week of March so that it would enter into the cycle described above for pre-testing and use.

UTILIZING THE INDEX

The LGU index is both an instrument to promote greater awareness of the need for transparency, accountability and participation and a tool for measuring the degree that such transparency, accountability and participation exists.

The LGU index should be linked to the actual interventions undertaken by Eco-Governance to promote greater levels of transparency, accountability and participation. This would best be done by working within each municipality through local providers to facilitate a planning, budgeting and

implementation cycle that will be based on the substantial citizen involvement in local level environmental policy implementation that the project envisions.

If there is a constraint on resources and time, an alternative would be to focus on one or two key elements in the cycle, for instance, procurement and licensing. Such a focus would allow showing concrete results regarding changes in patterns of eco-governance that could serve as a force for driving the rest of the cycle.

One event that can serve as a focus for interventions is the 2004 municipal elections. Eco-Governance through its advocacy and IEC efforts could assist in generating a citizen's agenda for eco-governance action, drawing on the results of the index. Non-government organizations (NGOs) and People's Organization (POs) could use the agency to secure commitments from candidates to greater transparency, accountability, participation and effectiveness in the management of forest, coastal and solid waste programs.

INCENTIVES

An issue that remains to, be explored further is the set of incentives that will drive both LGUs and the DENR to become more open and participatory in their operations. This is an issue that was put on the table at the Monday seminar and should be the subject of further discussion by the Eco-Governance team. In a follow-up memo next week, I shall provide some suggestions as a contribution to that discussion.

Annexes

AN APPROACH TO DEVELOPING AN LGU INDEX

DESIGN CONSIDERATIONS

The proposed LGU index needs to be built on measuring the achievement of concrete results regarding governance which in turn work toward securing the overall results of the project. Specifically, the LGU index needs to measure progress toward increased adoption by LGUs of sound eco-governance practices, defined as greater transparency, accountability and participatory decision-making in the management of forest and coastal resources and of solid wastes.

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A governance result needs to include the following elements:

- It responds to existing legal and customary norms and practices (sanctioned by the various codes and in accordance with local approaches to implementing those codes).
- It represents a significant or substantial involvement and not just a nominal involvement by citizens. This means inclusion of all sectors that are most often excluded from participation such as women, the rural poor, fisher folk, indigenous peoples.
- It can be or has been institutionalized, i.e., established as a regular procedure that will go beyond the limits of the Eco-Governance project. Institutionalization will be based on law or regulation, but also means that the process or mechanism is regularly employed as intended to enhance transparency, accountability or participation. To the extent that it is institutionalized, it is likely to be sustainable after the end of the project.

Each result will be represented by an item or items in the index. Each result will be operationalized and measurable by a series of actions that will depend on the existing legal framework, local practices and the aims of ensuring the greatest possible transparency, accountability and participation within the local context. Not all of these operational measures need be present to constitute the presence of the result, but the greater the number the more likely the result has been fully achieved.

The index will be made up of five components that represent the flow of government actions from planning, budgeting, implementation and control (enforcement) of environmental norms regarding forests, fisheries, and the management of solid wastes. In addition, the index will take into consideration gender issues (equity of participation) and indigenous rights and procedures. These latter two categories are cross-cutting with the five governance components. Since it is difficult to assign weights to each of the five governance results sets, it would be best to consider each as having equal weight.

In measuring overall local government unit performance attention will also be paid to the degree that local governments promote and implement innovative approaches to eco-governance. These would focus on innovative management approaches to the three areas of concern to Eco-Governance, including innovative approaches to ensure greater transparency, accountability and participation, working within the spirit and intent of law but going a step further. Such measurement will not be directly a part of the LGU Transparency, Accountability and Participatory Decision-Making (TAP) index, but will serve at the end of the project as a demonstration of better governance.

Table 1. Ecogovernance Local Level TAP Indicators

Governance Areas	Desired Results	Indicators	
		Within Each LGU	Across LGUs
1. Resource Management and Utilization (RM&U) planning	Planning on environmental issues conducted in an open and transparent forum; citizens have substantive inputs; plans guide actual government action (plans are implemented)	<ol style="list-style-type: none"> 1. An LGU has a participatory based plan for RM&U. 2. Within that LGU reviews are conducted by citizen groups (or joint government-citizen groups) of plan implementation 	<ol style="list-style-type: none"> 1. Number of LGUs having participatory based plans for RM&U. 2. Numbers of LGUs where reviews are conducted by citizen groups (or joint government-citizen groups) of plan implementation
2. Budgeting	Citizens have substantive inputs into the development of the budget for forest, coastal and/or solid waste management, prior to its final formulation in an open and transparent manner; budgets reflect citizen priorities	<ol style="list-style-type: none"> 1. An LGU budget is adopted with citizen input on environmental issues 	<ol style="list-style-type: none"> 1. Number of LGUs adopting budgets for forest, coastal and/or solid waste management with citizen inputs
3. Contracting, Bidding and Procurement	A clear and formal procurement system is in place based on the new Public Procurement Law for both contracting for securing environmentally related goods and services that require a formal bidding process and for contracting that does not require bidding. The system once in place has to be used.	<ol style="list-style-type: none"> 1. LGU has a clear and formal system in place for all environmental procurements that accord with the new Public Procurement Law. 2. All procurements follow these new procedures. 3. Procurement results are made public. 4. Procedures exist to ensure the accountability of LGU officials responsible for awarding contracts. 5. Procedures exist and are employed for public accountability of contract performance. 	<ol style="list-style-type: none"> 1. Number of LGUs with formal procurement systems in place. 2. Number of LGUs where procurement system is followed. 3. Number of LGUs where public review of procurements are held.
4. Issuance of Permits, Licenses, Tenure or Utilization Rights	Permits for forest and coastal licenses are issued by clear and formal public processes, with citizen involvement in defining criteria, citizen oversight of processes followed.	<ol style="list-style-type: none"> 1. LGU issues permits through a formal and transparent process that takes into account an open determination of natural resource constraints. 2. Citizen review of permitting processes takes place. 	<ol style="list-style-type: none"> 1. Number of permits issued in each LGU through transparent processes. 2. Number of public reviews of permit use by citizen groups (or joint government-citizen groups) by LGU.

Governance Areas	Desired Results	Indicators	
		Within Each LGU	Across LGUs
5. Enforcement (monitoring, reporting tracking forestry, fisheries and solid waste (FFSW) crimes)	Enforcement of environmental rules and regulations undertaken in an open and transparent manner; citizen oversight of processes of enforcement takes place through information provided on decisions taken.	1. LGU undertakes enforcement of existing environmental norms through public processes. 2. Periodic review of enforcement processes undertaken by local citizen groups.	1. Number of LGUs where there are public processes of enforcement. 2. Number of LGUs where there are periodic citizen reviews of enforcement processes.
6. Gender	Budgeting, planning, procurement processes take into account gender.	The LGU develops budgets, plans and procurement processes regarding the environment that take into account gender considerations.	Number of LGU budgets, plans and procurement processes regarding the environment that have gender considerations.
7. Indigenous Peoples	Budgeting planning, procurement processes take into account the special rights and requirements of indigenous peoples.	The LGU budgets, plans and procurement processes regarding the environment are adapted to the rights and requirements of indigenous peoples.	Number of LGU budgets, plans and procurement processes regarding the environment that are adapted to the rights and requirements of indigenous peoples.

OPERATIONALIZING THE INDEX

Each one of the five governance categories will need to be operationalized, taking into account the specific range of actions that one is likely to see in the LGUs included in Eco-Governance. A positive result in each of the five categories will be the presence of a process that can be seen as open and substantial citizen involvement in this aspect of governance. Each of the five categories needs to take into account the levels of participation of women and indigenous peoples and the respect for indigenous peoples' rights.

IMPLEMENTING THE LGU INDEX

Procedures for Measuring

For each of the five cells, we will elaborate a set of questions that will determine whether or not the desired index items are present or absent. (See Appendix 1) For example, in the case of Resource Management and Utilization (RM & U) planning, these questions could include: 'whether or not the Local Development Councilor another appropriate body reviews the proposed plan in advance of its adoption'; 'whether interested citizens as individuals or through organizations have input into developing the plan through public hearings in advance of finalizing the plan, through representation or participation in LDC meetings on the plan'; 'whether or not the plan adopted by the LDC is accepted by the municipal council', and 'whether citizens groups can participate through public hearings or other processes in the debates within the municipal council on the plan'. These measures will need to take into account the procedures followed in each LGU, but always getting at answering the question of whether the desired result is being achieved.

Procedures for Scoring

Given that the index is constructed of five equally weighted cells, the best approach to scoring is to assign an equal numerical value to each cell. This could mean assigning each a value of 1 or if

it makes more sense in expressing the overall score to the local audience on a scale from 1-100, assigning a value of 20 points to each cell. Gender and indigenous considerations need to be included in the overall presentation of the result of using the index, but need not be expressed as part of the numerical score, but rather in terms of whether or not these qualities are present or absent. Within each cell, the scoring should be tied to the percentage of characteristics present. This will ensure that cells with more measurement items do not receive greater weight in the overall index than cells with fewer measurement items.

If an overall score is desired for all LGUs, it is possible to secure that by summing the individual LGU overall scores. This can serve as an overall indicator of good Eco-Governance, but again needs to be disaggregated to make an effective planning tool for future interventions.

Pre Test

The ideal approach to pre-testing the index would be to select at least one municipality in each of the three major regions where Eco-Governance is working to serve as test sites as well as to ensure that there is representation of all of the three types of environmental issues that the project is addressing: coastal, forest and solid waste management. All three tests should be carried out simultaneously to speed up the process of putting the index into practice. Local support organizations or other potential implementers of the full-scale application of the LGU index should be selected to carry out the pre-test. This will provide practice to these organizations and at the same time allow Eco-Governance staff to judge the capacity of those organizations to use the index.

The pre-test would include representatives of all of the stakeholders in the process who would be asked to respond to the questions regarding each index item and then to discuss their responses through a focus group in order to reach a consensus rating for each item in the index. The local service provider (LSP) or other organization would provide all participants in the focus groups with a questionnaire that will be scored by the focus group participant in advance of the focus group. The discussion would center on resolving conflicts in ratings on this questionnaire.

Relationship to Interventions

The LGU index is both an instrument to promote greater awareness of the need for transparency, accountability and participation and a tool for measuring the degree that such transparency, accountability and participation exists. Over the remaining period of the Eco-Governance project, the index needs to be applied to a sample of the 79 LGUs where the project is working, ideally two to three times. Preferably to take place as early as possible in 2003, the goal is to establish a baseline that serves as a basis for action within each LGU. This should also be applied approximately a year after the initial application and as close to the end of the project to allow time for analysis and incorporation of results into the final report. It may only be practical to undertake the application only two times (baseline and final) if resources and time are limited.

The LGU index should be linked to the actual interventions undertaken by Eco-Governance to promote greater levels of transparency, accountability and participation. This would best be done by working within each municipality through local providers to facilitate a planning, budgeting and implementation cycle that will be based on the substantial citizen involvement in local level environmental policy implementation that the project envisions. This could mean working with local citizen groups and LGU governments to carry out a participatory RM&U plan and related budget and to oversee processes of implementation including procurement, licensing and enforcement. It also means linking efforts at promoting advocacy and disseminating information (IEC) that support this planning, budgeting implementation cycle.

Again, if there is a constraint on resources and time, an alternative would be to focus on one or two key elements in the cycle, for instance, procurement and licensing. Such a focus would allow

showing concrete results regarding changes in patterns of eco-governance that could serve as a force for driving the rest of the cycle.

One event that can also serve as a focus for interventions is the 2004 municipal elections. Eco-Governance could focus through its advocacy and IEC efforts on generating an agenda for eco-governance action, drawing on the results of the index. That citizens' agenda would be a tool that NGO and PO groups could use to secure commitments from candidates to greater transparency, accountability, participation and effectiveness in the management of forest, coastal and solid waste programs.

LGU TRANSPARENCY ACCOUNTABILITY AND PARTICIPATION INDEX

The measures contained under each indicator or group of indicators require as a rule a yes or no response (in most cases, presence/absence of the procedure or agency described).

RESOURCE MANAGEMENT AND UTILIZATION (RM&U) PLANNING

Indicator 1:

An LGU has a participatory-based plan for RM& U in the management of forest, and coastal resources and of solid wastes.

Measures:

1. Does the Local Development Council that includes representatives of civil society chosen in accordance with the terms of the Local Government Code or another appropriate body review the proposed plan in advance of its adoption?
2. Do interested citizens as individuals or through organizations have input into developing the plan through public hearings in advance of finalizing the plan, through representation or participation in LDC meetings on the plan?
3. Is the plan adopted by the LDC accepted by the municipal council?
4. Can citizens groups participate through public hearings or other processes in the debates within the municipal council on the plan? (example: through the Commission on Environmental Matters of the municipal council)
5. Do both men and women participate on an equal basis in processes of developing plans?
6. Do indigenous peoples participate in processes of developing plans?
6. Do plans take into account local autonomy of indigenous peoples in determining the ownership and extent of ancestral domain/ancestral land as well as traditional management and use of natural resources within indigenous peoples' ancestral domains?
7. Do plans take into account the customs, traditions, values, beliefs, interests and institutions including the application of customary laws of indigenous peoples?

Indicator 2:

Reviews are conducted by citizen groups (or joint government-citizen groups) of plan implementation.

Measures:

1. Has a local Performance monitoring and evaluation committee been institutionalized that deals with environmental matters and that includes NGO members familiar with such matters among its members?
2. Does the LGU have a management information system in place, tracking accomplishments against targets?
3. Are reports of accomplishments measured against stated targets clearly posted through such mechanisms as community data boards, municipal information offices and a municipal news magazine?
4. Are regular citizens assemblies conducted, especially at the barangay level?
5. Are public officials accessible to the media through regular press conferences?

BUDGETING

Indicator:

An LGU budget is adopted with citizen input on environmental issues.

Measures:

1. Is there a functioning local development council (LDC) that includes representatives of civil society chosen in accordance with the terms of the Local Government Code and does it have an effective role in relating annual budget to annual RM&U planning?
2. Are public consultations (public hearings) held on a regular basis that provide inputs into the formulation of the LGU budget in advance of finalization of that budget?
3. Are periodic reports of cash flows against budgets disseminated to the public using the channels and mechanisms described under RM&U planning?
4. Is there effective citizen input into use of 20% development fund?
5. Are decisions of LDCs regarding allocation of resources for the environment respected in municipal councils?
6. Does the Committee on Environmental Concerns of the municipal council consult with citizen before approval of environmental budget?
7. Do both men and women participate on an equal basis in processes of developing budgets?
8. Do indigenous peoples participate in processes of developing budgets?
9. Do budgets take into account local autonomy of indigenous peoples in determining the ownership and extent of ancestral domain/ancestral land as well as traditional management and use of natural resources within indigenous peoples' ancestral domains?
10. Do budgets take into account the customs, traditions, values, beliefs, interests and institutions including the application of customary laws of indigenous peoples?

CONTRACTING, BIDDING AND PROCUREMENT

Indicators:

1. LGU has a clear and formal system in place for all environmental procurements that accords with the new Public Procurement Law
2. All procurements follow these new procedures
3. Procurement results are made public
4. Procedures exist to ensure the accountability of LGU officials responsible for awarding contracts
5. Procedures exist and are employed for public accountability of contract performance.

Measures:

1. Has public accountability within the LGU operationalized through procedures sanctioned by the Ethics and Accountability law and Anti-Grafts and Corrupt Practices Act?
2. Is the Audit report of the COA posted in conspicuous places?
3. Are there functioning ombudsman, grievance and other related committees that hear complaints about procurements procedures brought by citizens?
4. Are performance audits conducted by independent entities of LGU management of environmental procurements?
5. Are the mechanisms in place for citizen review of contracts and bids?
6. Do government officials regularly communicate with citizens and the media regarding procurement outcomes and results?

7. Do procurement procedures take into account the interests and concerns of women as well as men?
8. Do procurement procedures take into account the interests and concerns of indigenous people?

ISSUANCE OF PERMITS, LICENSES, TENURE OR UTILIZATION RIGHTS

Indicators:

1. LGU issues permits through a formal and transparent process that takes into account an open determination of natural resource constraints
2. Citizen review of permits processes takes place.

Measures:

1. Are there functioning ombudsman, grievance and other related committees that hear complaints about permitting procedures brought by citizens?
2. Are performance audits conducted by independent entities of LGU management of environmental permits?
3. Are the mechanisms in place for citizen review of licenses?
4. Do government officials regularly communicate with citizens and the media regarding permit outcomes and results?
5. Do permit procedures take into account the interests and concerns of women as well as men?
6. Do permit procedures take into account the interests and concerns of indigenous people?

ENFORCEMENT (MONITORING, REPORTING TRACKING **FFSW CRIMES)**

Indicators:

1. LGU undertakes enforcement of existing environmental norms through public processes.
2. Periodic review of enforcement processes undertaken by local citizen groups.

Measures:

1. Is there a functioning People's Law Enforcement Board?
2. Are information and statistics regarding arrests and convictions for violations of environmental laws and regulations made public?
3. Are there functioning ombudsman, grievance and other related committees that hear complaints brought by citizens about enforcement issues?
4. Do Government officials regularly communicate with citizens and the media regarding enforcement outcomes and results?

DENR INDEX

Governance Areas	Desired Results	Indicators	
		Within Each PENRO/CENRO	Across PENRO/CENROs
1. Resource Management and Utilization (RM & U) planning	Planning on environmental issues conducted in an open and transparent manner; LGUs and citizen groups are represented through their local government authorities and through direct representation of user boards etc.	1. Within PENROs/ CENROs reviews are conducted by citizen groups (or joint government-citizen groups) of plan implementation	1. Number of PENRO/ CENROs having participatory based plans for RM& U. 2. Numbers of PENRO/ CENROs where reviews are conducted by citizen groups (or joint government-citizen groups) of plan implementation
2. Contracting Bidding and procurement	A clear and formal procurement system is in place based on the new Public Procurement Law for both contracting for securing environmentally related goods and services that require a formal bidding process and for contracting that does not require bidding. The system once in place has to be used.	1. PENROs/CENROs have a clear and formal system in place for all environmental procurements that accords with the new Public Procurement Law 2. All procurements follow these new procedures 3. Procurement results are made public 4. Procedures exist to ensure the accountability of PENRO/CENRO officials responsible for awarding contracts 5. Procedures exist and are employed for public accountability of contract performance	1. Number of PENRO/ CENROs with formal procurement systems in place 2. Number of PENRO/ CENROs where procurement system is followed 3. Number of PENRO/ CENROs where public review of procurements are held
3. Issuance of Permits, Licenses, tenure or utilization rights	Permits for forest and coastal licenses are issued by clear and formal public processes, with citizen involvement in defining criteria, citizen oversight of processes followed	1. PENROs/CENROs role in issuing permits takes place through a formal and transparent process that takes into account an open determination of natural resource constraints 2. Citizen review of permitting processes takes place	1. Numbers of permits issued with PENRO/ CENRO involvement that are done through transparent processes 2. Number of public reviews of permit use by citizen groups (or joint government-citizen groups)

Governance Areas	Desired Results	Indicators	
		Within Each PENRO/CENRO	Across PENRO/CENROs
4. Inter-governmental Coordination	PENROs and CENROs are responsive to and coordinate with their corresponding LGUs in a timely fashion in making environmental policy and implementation decisions.	1. Percentage of times that a PENRO or CENRO approves an LGU environmental action within the required statutory or regulatory norms. (Suggested objective 75% of the time.)	1. Number of PENROs and CENROs where 75% of approvals meet the required statutory or regulatory requirements.
Gender	Planning, procurement processes take into account gender;	The PENRO/CENRO develops plans and procurement processes that take into account gender considerations	Number of PENRO/CENRO plans and procurement processes that have gender considerations
Indigenous Peoples	Planning, procurement processes take into account the special rights and requirements of indigenous peoples	The PENRO/CENRO plans and procurement processes are adapted to the rights and requirements of indigenous peoples	Number of PENRO/CENRO plans and procurement processes that are adapted to the rights and requirements of indigenous peoples